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**OFFICE OF PETITIONS**

In re Application of  
Wang et al.  
Application No. 09/501,179  
Filed: February 10, 2000 (CPA 11/1/2001)  
Attorney Docket No.  
2314.00600002/JUK/SMW

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: DECISION GRANTING LETTER  
: REGARDING PTA  
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This decision is in response to applicants' "LETTER REGARDING PATENT TERM ADJUSTMENT CALCULATIONS" requesting that the Office review the PTA determination to see if such determination is greater than is appropriate. The Office thanks applicants for their good faith and candor in bringing this discrepancy to the attention of the Office.

Applicants' request is GRANTED. The Office will adjust the PAIR calculation to reflect a determination of zero (0) days at the time of the mailing of the notice of allowance.

Applicants do not expressly assert why PTA is greater than believed to be accurate. Upon review applicants are correct. The Office notes that it errantly posted June 4, 2003 as the response date to the filing of the CPA rather than the actual date of June 4, 2002. Accordingly, the Office was not 61 days late in their response. However, if June 4, 2002 was the correct date, then applicants response date of December 4, 2002 is considered a failure to engage in reasonable efforts to conclude prosecution of the application. The amount of applicant delay is ninety-one (91) days.<sup>1</sup> Accordingly at the time of the mailing of the notice of allowance, the Office had zero days of delay and applicant had ninety-one days.

After the mailing of this decision, the application will be forwarded to the Office of Patent Publications for a prompt issuance of the patent application.

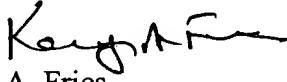
Any delays in issuance of the patent more than four months after the payment of the issue fee and other requirements being satisfied will be added to the determination at the time of the mailing of the issue notification letter.

The Office will not assess any fees in association with this decision. The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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<sup>1</sup>Delay began on September 5, 2002 day after the three month deadline and ended on December 4, 2002.

Any questions concerning this decision should be directed to Kery A. Fries, at 571-272-7757.



Kery A. Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner for  
Patent Examination Policy

CC: Adjusted PATR calculation